UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,670	08/20/2003	Thomas M. Drewes	199-0202US	6435

29855 7590 04/06/2007 WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P. 20333 SH 249 SUITE 600 HOUSTON, TX 77070	**EXAMINER** VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

		Application No.	Applicant(s)
Office Action Summary		10/644,670	DREWES ET AL.
		Examiner	Art Unit
		Kieu D. Vu	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*20 August 2003*</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-80* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>*08/20/03*</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to the papers filed 08/20/03.

2.   Claims 1-80 are pending.

Specification

3.   The disclosure is objected to because it contains an embedded hyperlink and/or

other form of browser-executable code (page 3). Applicant is required to delete the

embedded hyperlink and/or other form of browser-executable code. See MPEP §

608.01.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 74-80 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

The "graphical user interface" as claimed raises questions as to whether the

claims are directed merely to an abstract idea that is not tied to a technological art,

environment or machine which would result in a practical application producing a

concrete, useful, and tangible result to form the basis of statutory subject matter under

35 U.S.C 101.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Conference Composer User Guide (Copyright 2001).

Regarding claims 1, 14, 31, 44, 61, 67, and 74, Conference Composer User Guide teaches a method for initializing user interface software for controlling an audio conferencing device, comprising, in no particular order: (a) executing a set up program on a computer (insert disk into CD-ROM drive and run the Set up program, page 2) ("follow the instructions for installing Conference Composer", page 2); (b) selecting at least one audio input from the set up program; (c) selecting at least one audio output from the set up program; (d) selecting at least one audio conferencing device from the set up program (enter text labels for inputs and outputs, Fig. 6); (e) using the set up program to electronically map the inputs and outputs to input and output ports on the audio conference device ; (f) using the set up program to define at least mapping parameters for the user interface software; and (g) electronically transferring the mapping parameters to the user interface software (pages 8-10) .

Regarding claims 2, 15, 32, 45, 62, 68, and 75, Conference Composer User Guide teaches wherein step (f) further comprises using the set up program to define audio optimization parameters for the inputs or outputs, and where step (g) further comprises electronically transferring the audio optimization parameters to the user interface software (Fig. 6, page 8).

Regarding claims 3, 16, 33, 46, 63, 69, and 76, Conference Composer User Guide teaches wherein the audio optimization parameters are dependent on the basis of the selected inputs or outputs (Fig. 6, page 8).

Regarding claims 4, 17, 34, 47, 64, 70, and 77, Conference Composer User Guide teaches that step (d) is accomplished automatically by the set up program on the basis of the selected input and outputs (all the inputs that map to a particular output (page 8).

Regarding claims 5, 18, 35, and 48, Conference Composer User Guide teaches that step (d) is further accomplished on the basis of a selectable optimization option (proper input-output mappings) (pages 8-9, page 26).

Regarding claims 6, 19, 36, and 49, Conference Composer User Guide teaches displaying an error message if the selected audio conference device is not compatible with the selected inputs or outputs (to ensure proper input-output mappings) (page 9).

Regarding claims 7, 20, 37, 50, 65, 71, and 78, Conference Composer User Guide teaches wherein step (e) is accomplished automatically by the set up program (the Signal Activity LEDs mapped to the inputs and outputs of the System Page) (page 8).

Regarding claims 8, 21, 38, 51, 66, and 72, Conference Composer User Guide teaches coupling the selected inputs and outputs to the input and output ports on the audio conference device in accordance with a map created by the set up program (page 15)

Regarding claims 9, 22, 39, 52, 28, and 58, Conference Composer User Guide teaches wherein the inputs include items selected from the group consisting of a microphone and a telephone (Fig. 5 page 7).

Regarding claims 10, 23, 40, 53, 29, and 59, Conference Composer User Guide teaches wherein the outputs include items selected from the group consisting of a speaker, a telephone, and a recorder (see Fig. 12, page 16).

Regarding claims 11, 24, 41, 54, and 79, Conference Composer User Guide teaches wherein the set up program is executed upon execution of the user interface software (insert disk into CD-ROM drive and run the Set up program, page 2).

Regarding claims 12 and 42, Conference Composer User Guide teaches wherein the computer is coupled to the audio conferencing device (page 2).

Regarding claims 13, 26, 43, and 56, Conference Composer User Guide teaches wherein step (e) further comprises displaying a number of available inputs and output ports for the at least one selected audio conferencing devices (Fig. 6, page 8).

Regarding claims 25, 55, 73, and 80, Conference Composer User Guide teaches wherein the predetermined sequential series of steps comprises a predetermined sequential series of screens ("follow the instructions for installing Conference Composer", page 2).

Regarding claims 27 and 57, Conference Composer User Guide teaches a method for choosing an optimal audio conferencing device, comprising, in no particular order: (a) selecting at least one audio input at a first step in

a set up program executed on a computer (insert disk into CD-ROM drive and run the

Set up program, page 2) ("follow the instructions for installing Conference Composer",

page 2) (enter text labels for inputs); (b) selecting at least one audio output at a

second step in the set up program (enter text labels for output); (c) automatically

selecting at least one audio conferencing device at a third step in the set up program,

wherein the at least one audio conferencing is automatically selected (i) to be

compatible with the selected inputs and outputs (Fig. 6) (the Signal Activity LEDs

mapped to the inputs and outputs of the System Page, page 8 and 9) , and (ii) to be

optimal in conjunction with a selected user preference (proper input-output mappings)

(page 9, page 26).

Regarding claims 30 and 60, Conference Composer User Guide teaches

wherein the user preference is selected form the group consisting of cost and size

(page 3 and page 26).

8.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to

consider these references fully when responding to this action. The documents cited

therein teach audio interface which relates to the instant application.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kieu D. Vu. The examiner can normally be reached on

Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding

is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL"

or "DRAFT" communication. Examiners may request that a formal paper / amendment

be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu

Primary Examiner